Serial No.:10/516,859
Art Unit: 2618
Attorney Docket: PU020269

Remarks/Arguments

The Office Action mailed on November 16, 2007 has been reviewed and carefully considered. Claims 1, 2, 7, 12 and 13 have been amended. No new matter has been added. Claims 1-17 are currently pending in this application.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested. It should be noted that the Applicant is not conceding in this application that the amended claims in their prior form are not patentable over the art cited by the Examiner, as the present claim amendments have been made only to facilitate expeditious prosecution of the application. The Applicant respectfully reserves the right to pursue these and other claims in one or more continuation and/or divisional patent applications.

Claim rejections:

Claims 1-2 and 4-6 currently stand rejected under 35 U.S.C. §103(a) in view of United States Patent No. 6,389,548 to Bowles (hereinafter 'Bowles') and United States Patent Application Publication No. 2001/0,033,531 to Ozawa, et al., (hereinafter 'Ozawa').

Claim 1 recites:

> Apparatus comprising:
> a receiver for receiving an audio file signal;
> a decoder for demodulating said audio file signal; and
> a processor configured to poll said decoder for a loss of a phase lock loop in said demodulating of said audio file signal to detect audio file signal loss between the receiver and a transmitter.

Bowles is directed to a method and system for measuring the pulse run-length of a high frequency signal read from a compact disc. Bowles teaches the use of an all digital phase lock loop to recover a bit clock from the high frequency signal by locking its oscillator onto transitions in the signal. Although Bowles discloses that the phase error of the loop may be monitored and that the loop may be adjusted, Bowles fails to describe or suggest that a decoder is polled for the loss of a phase lock loop to detect audio file signal loss.

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As known in the art, a phase lock loop may lock onto the phase of a signal and respond to any phase changes to maintain a lock on the signal. Loss of a phase lock loop includes a break in the process of phase change and response that may be due to the loss of a signal, as discussed more fully below. Bowles merely describes that the phase error is monitored and that the loop is modified during a normal phase lock loop process while receiving a continuous signal. Nowhere does Bowles disclose or remotely suggest that a decoder is polled for a loss of a phase lock loop to detect audio file signal loss.

Similarly, Ozawa also fails to disclose or suggest polling a decoder for a loss of a phase lock loop. Ozawa is directed to a dubbing apparatus and a dubbing method. While Ozawa describes using phase lock loops in dubbing operations, Ozawa does not disclose or render obvious polling a decoder for a loss of a phase lock to detect audio file signal loss (see, e.g. Ozawa, paragraph 96).

In contrast, in accordance with one or more implementations of the present principles, a decoder receiving an audio file signal may be polled for a loss of a phase lock loop (see, e.g., Specification, p. 5, lines 17-18). Loss of a phase lock loop may be an indication that a signal from a wireless transmitter has been lost (see, e.g., Specification, p. 1, line 27-p. 2, line 5; p. 5, lines 12-14). In a wireless transmitter/receiver system, loss of a signal due to a long period of idleness, for example, may require a user to manually re-establish a phase lock loop to decode further audio file transmissions (see, e.g., Specification, p. 1, line 27-p. 2, line 2). By polling a decoder for a loss of a phase lock loop, the loop may, for example, be reset and reinitialized upon detecting its loss to permit seamless transmission of audio files after a period of idleness (see, e.g., Specification, p. 5, lines 12-24).

Bowles and Ozawa, taken singly or in combination, do not disclose or suggest polling a decoder for a loss of a phase lock loop in any way. As discussed above, Bowles and Ozawa are directed to processing a signal within a continuous phase lock loop and fail to remotely suggest polling a decoder for a loss of a phase lock loop to detect audio file signal loss.

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Accordingly, claim 1 is believed to be patentable over Bowles and Ozawa for at least the reasons stated above. In addition, claims 2 and 4-6 are patentable over Bowles and Ozawa due at least to their dependencies from claim 1.

Claim 3 stands rejected as being unpatentable over Bowles as modified by Ozawa in view of United States Patent No. 6,389,548, to Zuqert et al. (hereinafter Zuqert).

Due to the dependency of claim 3 from claim 1, claim 3 includes the feature of polling a decoder for a loss of a phase lock loop to detect audio file signal loss. For at least the reasons discussed above, claim 1, and thus, claim 3, is believed to be patentable over Bowles and Ozawa. Additionally, combination of Bowles and/or Ozawa with Zuqert does not render claim 3 obvious, as Zuqert fails to disclose or suggest the feature of polling a decoder for a loss of a phase lock loop to detect audio file signal loss.

Zuqert describes transmission of separate copies of data packets to ensure a suitable quality level of the packets upon its receipt at a receiver (see Zuqert, Abstract). While the Zuqert system discloses using a phase lock loop to lock on to transmission frequencies (see Zuqert, column 18, lines 12-25), Zuqert does not disclose or render obvious the feature of polling a decoder for a loss of a phase lock loop to detect audio file signal loss, as included in claim 3. Thus, claim 3 is believed to be patentable over Bowles, Ozawa and Zuqert, taken singly or in any combination.

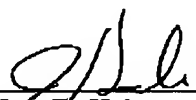Claims 7-17 stand rejected as being unpatentable over Zuqert in view of Bowles.

Claim 7 includes, inter alia, the feature of "polling said demodulating for a loss in a phase lock loop in said demodulating to detect audio file signal loss between a receiver and a transmitter." Similarly, claim 12 includes, inter alia: "polling said decoding for a loss of a phase lock loop in said decoding of said audio file signal to detect audio file signal loss between a receiver and a transmitter." Accordingly, for at least the reasons discussed above, claims 7 and 12 are believed to be patentable over Zuqert and Bowles, taken singly or in combination. Furthermore, claims 8-11 and 13-17 are believed to be patentable over Zuqert and Bowles due at least to their dependencies from claims 7 and 12, respectively.

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In view of the foregoing, the Applicant respectfully requests that the rejections of the claims set forth in the Office Action of November 17, 2007 be withdrawn, that pending claims 1-17 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to the Applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

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